IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 592 of 2005**

Between:

SANA Educational Society, Nellore, rep. by its Chairman,

Sri Basha Mohiuddin, S/o. Nazeer Hussain, R/o. Ranganayukula Pet,

Nellore District. **..... PETITIONER**

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Gudur, Nellore District.
3 The Mandal Revenue Officer, Gudur, Gudur Mandal, Nellore District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction one more particularly in the nature of writ of Mandamus declaring action of the respondents in announcing to dispossess the petitioner from Ac.2-60 cents in Sy.No.14/1, Ac.2-00 cents in Sy.No.17, Ac1-03 cents in Sy.NO.18/2, Ac1-56 cents in Sy.No.19/1 situated in Nakkala Vari Kandriga, Chillakur Mandal, Nellore District and assign the same to third parties on the premises that the said lands are the ceiling lands as per the proceedigns despite the application of the petitioner dt. 10.1.2005 to pursue further legal steps in respect of the said lands covered by the registered sale deeds dt. 2.9.2000, 4.9.2000 and 8.9.2000 in favour of the petitioner as illegal, arbitrary, unjust and in violation of Articles 14, 21 and 300-A of Constitution of India and provisions of Land Reforms Act and Principles of Natural Justice and consequently direct the respondents not to dispossess the petitioner from the above said lands and grant certified copy of the order of the 2nd respondent dt. 30.1.2003 in C.c.No.1977/G.D.R.75 pursuant to the application of the petitioner dt. 10.1.2005 and pass such other orders and further reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.M.VENKATA NARAYANA**

**Counsel for the Respondents: GP FOR REVENUE**

The Court at the stage of admission made the following:

ORDER:

The petitioner which is an Educational society, filed the present writ petition questioning the action of the respondents in trying to dispossess the petitioner from land covered in survey numbers, 14/1, 17, 18/2 and 19/1 admeasuring Ac.2-60 cents, Ac.2-00, Ac.1.03 and Ac.1.56 respectively in Nakkala Vari Kaluva Kandriga village, Chillakuru Mandal, Nellore district, without following due process of law and to alienate the same to third parties.

It is stated that the petitioner society for establishment of Engineering college purchased the subject land under registered sale deeds for valid consideration. It is stated that the third respondent also issued land use certificate to the petitioner on 10-10-2000. While so, a news item was published in newspapers to an effect that the Government is intending to assign certain lands including the subject lands of the petitioner society to third parties on Republic Day i.e., 26-1-2005. It is alleged that the declarants in C.C.No.1976/G.D.R/75, C.D.No.1977/G.D.R/75 were died long back and without impleading the legal representatives of declarants, the second respondent has passed orders dated 30-1-2003, against which an remedy of appeal is provided to the Commissioner, Land Reforms Appellate Tribunal. That the petitioner intends to file an appeal against the order dated 30-1-2003 and filed an application to the second respondent on 10-1-2005 to furnish copy of the proceedings dated 30-1-2003 whereby it was declared that the subject lands are Ceiling lands. However, no action was taken on the said representation of the petitioner for supply of copy of proceedings dated 30-1-2003. The grievance of the petitioner is that taking advantage of the delay being caused in furnishing the copy of the order dated 30-1-2003, the third respondent is taking steps to dispossess the petitioner and assign the subject land to third parties. Hence, the present writ petition.

Heard learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the admission stage.

Since the petitioner intends to pursue the remedy of appeal provided against the order dated 30-1-2003, in the interest of justice and to give quietus to the litigation, I deem it appropriate to direct the second respondent to furnish a copy of proceedings dated 31-10-2003 within a period of four weeks from the date of receipt of copy of this order, subject to petitioner paying the required fee, if any. On receipt of the copy of the order dated 31-10-2003, the petitioner is permitted to file an appeal within a period of two weeks time thereafter. The respondents are directed to maintain status quo for a period of six weeks from today.

Subject to above observations, the writ petition stands disposed of. No costs.

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N.V.RAMANA,J

24TH JANUARY, 2005

TVK

To:

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Gudur, Nellore District.
3 The Mandal Revenue Officer, Gudur, Gudur Mandal, Nellore District.

4 Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (OUT)

5 Two CD copies.